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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Willie Roberts and Carla Sutton,
12 Plaintiffs,
13 v.
14 County of Kern, et al.,
15 Defendants.
16

No. 1:21-cv-00725-KJM-CDB
FINAL PRETRIAL ORDER

17 On April 17, 2025, the court conducted a final pretrial conference. Mark Merin and Paul
18 Masuhara appeared for plaintiffs. Andrew Hamilton appeared for defendants. After hearing, and
19 good cause appearing, the court makes the following findings and orders:

20 **JURISDICTION AND VENUE**

21 Jurisdiction is predicated on 28 U.S.C. §§ 1331 and 1367. Jurisdiction and venue are not
22 contested.

23 **JURY / NON-JURY**

24 The trial will be by jury. The jury will include eight jurors.

25 **UNDISPUTED FACTS**

- 26 1. On December 15, 2020, in the evening, Willie Roberts was present at 2407 E.
27 California Ave., Bakersfield, CA 93307 (the “casino”).

2. Willie Roberts exited the casino into an alley through a gate located at the back of the casino.
3. Kern County Sheriff's Office ("KCSO") personnel arrived at the alley behind the casino in two separate unmarked law enforcement vehicles.
4. Brandon Geherty, Jose Perez, Christian Melero, and Ralph Lomas were in one vehicle, and Jason Colbert, Ryan Brock, and Victor Garcia were in another vehicle.
5. The KCSO personnel wore body armor over plain clothing and some were armed with rifles.
6. Jason Colbert was the Special Investigations Division ("SID") supervisor at the scene.
7. Carla Sutton also arrived at the alley in the casino in her vehicle at the same time as the KCSO personnel, and her vehicle was located between the two KCSO vehicles.
8. KCSO personnel exited their vehicles and approached the gate located at the back of the casino.
9. Brandon Geherty contacted Willie Roberts.
10. Brandon Geherty shot Willie Roberts in the upper thigh with his rifle.
11. Willie Roberts was transported to the hospital for treatment for his gunshot wounds.
12. Ryan Brock contacted Carla Sutton.
13. Carla Sutton's arms were handcuffed behind her back.
14. Carla Sutton's property, including her vehicle, purse, and cell phone, was seized by KCSO personnel.
15. William Malloy and Cody Johnson questioned Carla Sutton.
16. Carla Sutton signed a permission to search electronic communications device, witnessed by William Malloy.

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17. On December 16, 2020, Carla Sutton was permitted by KCSO to pick-up her vehicle and purse.

18. On January 5, 2021, Carla Sutton was permitted by KCSO to pick-up her cellphone without the SIM card.

DISPUTED FACTUAL ISSUES

1. Whether Brandon Geherty used excessive force against Willie Roberts.
2. Whether Ryan Brock used excessive force against Carla Sutton.
3. Whether Jason Colbert's instructions or decisions caused Brandon Geherty or Ryan Brock to use excessive force.
4. Whether William Malloy and Cody Johnson unlawfully arrested Carla Sutton and unlawfully seized her property.
5. Whether any Defendant violated the rights of Carla Sutton or Willie Roberts under the Bane Civil Rights Act.
6. Whether any Defendant committed an assault or battery of Carla Sutton or Willie Roberts.
7. Whether Carla Sutton and/or Willie Roberts were comparatively negligent in their actions on the night of the subject incident and whether such negligence was a proximate cause of Plaintiffs' alleged injuries and damages, if any, or was the sole cause thereof.
8. Whether the Defendants acted with malice, oppression or fraud (for state law punitive damages) or with an evil or criminal intent to injure, malice, oppression, fraud or deliberate indifference (for 42 USC § 1983 punitive damages).
9. Whether Willie Roberts was acting as a guard at the illegal gambling casino.
10. Whether Willie Roberts brandished a realistic looking handgun, although in actuality a BB/air soft gun, at Deputy Geherty prior to Deputy Geherty discharging his rifle.
11. Whether Plaintiffs are entitled to damages and if so, the amount of said damages.
12. The nature and extent of Plaintiffs' claimed injuries.

13. Whether Defendants are entitled to immunities, privileges and/or offsets provided by California Tort Claims act of the California Government Code (Government Code § 810 et seq.); California Government Code including, without limitation, §§ 820.8, 815, 815(b); 815.2; 818; 820.2; 820.4; 820.8; 956.4, and Penal Code §§ 834, 834a, 835, 835a and 836.
14. Whether Defendants are immune from liability under the doctrine of qualified immunity.
15. Whether Defendant Geherty honestly and reasonably believed that Willie Roberts was about to inflict harm upon him and that the use of force, if any, was done reasonably and in self-defense.
16. Whether Defendant Geherty acted without malice and with a good faith belief in the propriety of his conduct.
17. Whether Defendant Geherty's conduct at all times material herein was privileged and/or justified under applicable state and federal law.

SPECIAL FACTUAL INFORMATION

1. Willie Roberts is 42 years old. Willie Roberts sustained gunshot wounds on his upper thighs. Willie Roberts received hospital treatment on the day the injuries were sustained, and periodically thereafter.
2. Carla Sutton is 37 years old. Carla Sutton was detained/arrested for a period of hours and her property, including her vehicle, purse (and its contents), and cell phone, were seized.

DISPUTED EVIDENTIARY ISSUES

Plaintiffs anticipate filing motions in limine to exclude the following evidence:

1. Any Search Warrant.
2. Prior Arrests, Convictions, and/or Bad Acts.
3. Awards, Accolades, and Commendations.
4. Expert reports.

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5. Expert Testimony of Clarence Chapman, Rocky Edwards, Heather Heider, Parris Ward, Robert Schick, Michael Kuzel, and Adam Stubbs.

Defendants anticipate filing motions in limine to exclude the following evidence:

1. Indemnification of any of the Defendant Deputies by their employer and vicarious liability of the County of Kern.
2. Wealth or poverty of Kern County, including insurance coverage provided to the County of Kern to cover any damages awarded.
3. The personnel files of any Kern County Sheriff's deputy.
4. Past officer involved shootings by any KCSO deputy.
5. Prior use of force incidents involving the Defendant deputies in this case, i.e. evidence of character, other bad acts or personnel actions.
6. Settlements and/or verdicts of prior civil litigation regarding use of force incidents by KCSO deputies.
7. DOJ Press Releases regarding investigation or settlement with the Kern County Sheriff's Office.
8. The Complaint in *People ex rel. Becerra v. County of Kern*, No. BCV-20-102971.
9. The Stipulated Judgment in *People ex rel. Becerra v. County of Kern*, No. BCV-20-102971.
10. ACLU Press Release or Report regarding the Kern County Sheriff Office and use of force.
11. References to any news article by "The Guardian" publication regarding Kern County Sheriff's Office.
12. Graphic and inflammatory photographs of Willie Roberts' injuries.
13. Evidence and testimony regarding Willie Roberts claim of excessive force.

STIPULATIONS / AGREED STATEMENTS

1. The parties stipulate, and the court approves, that production of the parties as witnesses at trial shall occur, without issuance of a trial subpoena. In other words, Plaintiffs' counsel will ensure that Willie Roberts and Carla Sutton are present at

trial to testify as witnesses, and Defendants' counsel will ensure that Jason Colbert, William Malloy, Cody Johnson, Brandon Geherty, and Ryan Brock are present at trial to testify as witnesses.

2. The parties stipulate that the authenticity of the following documents is uncontested, without the need for testimony by a witness/records custodian to authenticate such documents:

a. Documents produced in discovery by Defendants—i.e., COK-00001–COK-12394

b. Kern County Sheriff's Office Policies posted on its website at:

<<https://www.kernsheriff.org/Policies>>

RELIEF SOUGHT

1. Compensatory Damages: Plaintiffs seek compensatory damages including pain, suffering, and emotional distress.

2. Nominal Damages: Plaintiffs seek nominal damages, to the extent that no compensatory damages are awarded.

3. Punitive Damages: Plaintiffs seek punitive damages.

4. Treble Damages/Civil Penalties: Plaintiffs seek treble damages/civil penalties, pursuant to Cal. Civ. Code § 52.1.

5. Attorneys' Fees & Costs: Plaintiffs seek attorneys' fees and costs, pursuant to 42 U.S.C. § 1988, Cal. Civ. Code § 52.1, and/or California Code of Civil Procedure § 1021.5. Defendants seek recovery of costs and attorneys' fees under 42 U.S.C. § 1988 and 42 U.S.C. § 1927, Federal Rule of Civil Procedure 54, Local Rules 292 and 293 and all other applicable statutes and rules.

POINTS OF LAW

The parties shall alert the court to disputes about the applicable law and legal standards. Trial briefs addressing these points more completely shall be filed with this court no later than **fourteen days prior to the date of trial** in accordance with Local Rule 285.

ABANDONED ISSUES

The parties agree no issues have been abandoned.

WITNESSES

The plaintiff's witnesses are those listed in Attachment A below. The defendant's witnesses are those listed in Attachment B below. Each party may call any witnesses designated by the other.

A. The court will not permit any other witness to testify unless:

- (1) The party offering the witness demonstrates that the witness is for the purpose of rebutting evidence that could not be reasonably anticipated at the pretrial conference, or
- (2) The witness was discovered after the pretrial conference and the proffering party makes the showing required in "B," below.

B. Upon the post pretrial discovery of any witness a party wishes to present at trial, the party shall promptly inform the court and opposing parties of the existence of the unlisted witnesses so the court may consider whether the witnesses shall be permitted to testify at trial. The witnesses will not be permitted unless:

- (1) The witness could not reasonably have been discovered prior to the discovery cutoff;
- (2) The court and opposing parties were promptly notified upon discovery of the witness;
- (3) If time permitted, the party proffered the witness for deposition; and
- (4) If time did not permit, a reasonable summary of the witness's testimony was provided to opposing parties.

EXHIBITS, SCHEDULES AND SUMMARIES

Plaintiff's exhibits are identified in Attachment C below. At trial, plaintiff's exhibits shall be identified using the prefix "P," i.e., P-1, P-2, P-3, and so on. Defendant's exhibits are identified in Attachment D below. At trial, defendant's exhibits shall be identified using the

1 prefix “D,” i.e., D-1, D-2, D-3, and so on. The parties are directed to meet and confer before trial
2 to identify all exhibits they agree are admissible and will list jointly. Joint exhibits will be
3 identified using the prefix “J,” i.e., J-1, J-2, J-3, and so on.

4 All exhibits must be premarked.

5 The parties must prepare exhibit binders for use by the court at trial, with a side tab
6 identifying each exhibit in accordance with the specifications above. Each binder shall have an
7 identification label on the front and spine.

8 The parties must exchange exhibits no later than **twenty-eight days before trial**. Any
9 objections to exhibits are due no later than **fourteen days before trial**.

10 A. The court will not admit exhibits other than those identified on the exhibit lists
11 referenced above unless:

- 12 1. The party proffering the exhibit demonstrates that the exhibit is for the
13 purpose of rebutting evidence that could not have been reasonably
14 anticipated, or
- 15 2. The exhibit was discovered after the issuance of this order and the
16 proffering party makes the showing required in Paragraph “B,” below.

17 B. Upon the discovery of exhibits after the discovery cutoff, a party shall promptly
18 inform the court and opposing parties of the existence of such exhibits so that the
19 court may consider their admissibility at trial. The exhibits will not be received
20 unless the proffering party demonstrates:

- 21 1. The exhibits could not reasonably have been discovered earlier;
- 22 2. The court and the opposing parties were promptly informed of their
23 existence; and
- 24 3. The proffering party forwarded a copy of the exhibits (if physically
25 possible) to the opposing party. If the exhibits may not be copied the
26 proffering party must show that it has made the exhibits reasonably
27 available for inspection by the opposing parties.

1 **DEPOSITION TRANSCRIPTS**

2 Counsel must lodge the sealed original copy of any deposition transcript to be used at trial
3 with the Clerk of the Court on the first day of trial.

4 **FURTHER DISCOVERY OR MOTIONS**

5 Discovery is closed. No further dispositive motions will be accepted. The court will
6 adjudicate the pending motion for reconsideration (ECF No. 48).

7 **AMENDMENTS AND DISMISSALS**

8 The court granted defendants' motion for summary judgment in part in the order at
9 ECF No. 41.

10 **SETTLEMENT**

11 This matter is referred to a court-convened settlement conference before the assigned
12 Magistrate Judge **within forty-five days**. The parties are directed to contact the courtroom
13 deputy for the assigned Magistrate Judge, Cori Boren (661-326-6620) and
14 CBoren@caed.uscourts.gov), to schedule a settlement conference.

15 The parties believe further settlement discussions will not be productive until the court
16 rules on defendants' pending motion for reconsideration. The court will resolve that motion
17 expeditiously after defendants' reply has been filed, after a hearing if necessary.

18 **MOTIONS IN LIMINE**

19 Oppositions to all motions in limine shall be filed within **twenty-eight days**. Replies, if
20 any, shall be filed within **thirty-five days**.

21 As stated at the final pretrial conference, defendants may file a written request for an
22 extension of time to file motions in limine, which request should comply with this District's local
23 rules and this court's standing orders, including the requirement to meet and confer with opposing
24 counsel.

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1 **JOINT STATEMENT OF THE CASE**

2 The parties have agreed to the following joint statement of the case:

3 This is a civil rights action involving incidents occurring in
4 Bakersfield, California, on December 15, 2020. Willie Roberts
5 alleges that Kern County Sheriff's Deputy Brandon Geherty used
6 excessive force against him. Carla Sutton alleges that Kern County
7 Sheriff's Deputy Ryan Brock used excessive force against her, and
8 that Kern County Sheriff's Detectives William Malloy and Cody
9 Johnson unlawfully arrested her and seized her property. Willie
10 Roberts and Carla Sutton seek damages. Defendants County of Kern,
11 Deputy Geherty, Deputy Brock, Deputy Malloy, Deputy Johnson
12 and Deputy Colbert deny the allegations of Willie Roberts and Carla
13 Sutton and deny that they are entitled to damages.

14 **SEPARATE TRIAL OF ISSUES**

15 Defendant's motion to try the case in three stages is **denied**. Plaintiffs' proposal to try the
16 case in two phases is **granted**: if the jury finds any plaintiff is entitled to punitive damages, the
17 issue of the amount of those damages will be tried in a bifurcated second phase.

18 **IMPARTIAL EXPERTS OR LIMITATIONS OF EXPERTS**

19 The parties agree no impartial experts and no limitations on experts are necessary.

20 **ATTORNEYS' FEES**

21 Plaintiffs will seek an award of attorneys' fees and costs, if they are the prevailing parties
22 in this action.

23 Defendants seek recovery of costs and attorneys' fees under 42 U.S.C. § 1988 and
24 42 U.S.C. § 1927, Federal Rule of Civil Procedure 54, Local Rules 292 and 293 and all other
25 applicable statutes and rules.

26 **TRIAL DATE AND ESTIMATED LENGTH OF TRIAL**

27 Jury trial is set for **August 4, 2025 at 9:00 a.m.** in Courtroom Three of the Sacramento
28 Courthouse on 501 "I" Street before the Honorable Kimberly J. Mueller. Trial is anticipated to
29 last five to eight days. The parties are directed to Judge Mueller's trial schedule outlined on her
30 web page on the court's website.

PROPOSED JURY VOIR DIRE AND PROPOSED JURY INSTRUCTIONS

The parties shall file any proposed jury voir dire **seven days before trial**. Each party will be limited to ten minutes of jury voir dire.

The court directs counsel to meet and confer in an attempt to generate a joint set of jury instructions and verdicts. The parties shall file any such joint set of instructions **fourteen days before trial**, identified as “Jury Instructions and Verdicts Without Objection.” To the extent the parties are unable to agree on all or some instructions and verdicts, their respective proposed instructions are due **fourteen days before trial**.

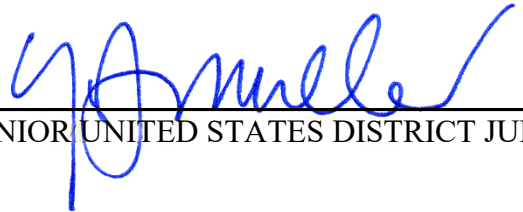
Counsel shall e-mail a copy of all proposed jury instructions and verdicts, whether agreed or disputed, as a word document to kjmmorders@caed.uscourts.gov no later than **fourteen days before trial**; all blanks in form instructions should be completed and all brackets removed.

Objections to proposed jury instructions must be filed **seven days before trial**; each objection shall identify the challenged instruction and shall provide a concise explanation of the basis for the objection along with citation of authority. When applicable, the objecting party shall submit an alternative proposed instruction on the issue or identify which of his or her own proposed instructions covers the subject.

OBJECTIONS TO THIS ORDER AND CONCLUSION

Each party is granted **fourteen days** from the date of this order to file objections to the same. If no objections are filed, the order will become final without further order of this court.

DATED: April 21, 2025.



SENIOR UNITED STATES DISTRICT JUDGE

ATTACHMENT A: PLAINTIFFS' WITNESS LIST

1. Willie Roberts, c/o Law Office of Mark E. Merin, 1010 F Street, Suite 300, Sacramento, CA 95814, (916) 443-6911
2. Carla Sutton, c/o Law Office of Mark E. Merin, 1010 F Street, Suite 300, Sacramento, CA 95814, (916) 443-6911
3. Jason Colbert, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA 93301, (661) 868-3800
4. Brandon Geherty, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA 93301, (661) 868-3800
5. Ryan Brock, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA 93301, (661) 868-3800
6. William Malloy, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA 93301, (661) 868-3800
7. Cody Johnson, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA 93301, (661) 868-3800
8. Marcus Hackmon, EMT-Paramedic, Hall Ambulance Service, Inc., 2001 O Street, Bakersfield, CA 93301, (661) 334-5419
9. Martell Rufus, EMT-Basic, Hall Ambulance Service, Inc., 2001 O Street, Bakersfield, CA 93301, (661) 334-5419
10. Jennefer Arrington, H.S.N., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306, (661) 326-2000
11. Melanie Hemingway, R.N., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306, (661) 326-2000
12. Andrea Melton, R.N., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306, (661) 326-2000
13. Alexandra Dyer, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306, (661) 326-2000
14. Elizabeth Siacunco, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,

- 1 (661) 326-2000
- 2 15. Brianna Rice, R.N., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306, (661)
- 3 326-2000
- 4 16. Joel Amezcuita, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,
- 5 (661) 326-2000
- 6 17. Daniel Quesada, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,
- 7 (661) 326-2000
- 8 18. David Handman, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,
- 9 (661) 326-2000
- 10 19. Mansukh Ghadiya, M.D., 2201 Mt. Vernon Ave., Suite 211-A, Bakersfield, CA 93306,
- 11 (661) 215-4948
- 12 20. Ana Duarte, 5300 California Ave., Bakersfield, CA 93309, (661) 323-3100
- 13 21. Abel Lombero, Kern County Sheriff's Office, 1350 Norris Road, Bakersfield, CA 93308,
- 14 (661) 861-3110
- 15 22. Adrian Olmos, Kern County Sheriff's Office, 1350 Norris Road, Bakersfield, CA 93308,
- 16 (661) 861-3110
- 17 23. Brandon Rutledge, Kern County Sheriff's Office, 1350 Norris Road, Bakersfield, CA
- 18 93308, (661) 861-3110
- 19 24. Custodian(s) of Records (for authentication of documents, to the extent necessary)
- 20

ATTACHMENT B: DEFENDANTS' WITNESS LIST

1. Plaintiff Willie Roberts, c/o Law Office of Mark E. Merin, 1010 F Street, Suite 300, Sacramento, CA 95814, (916) 443-6911.
2. Plaintiff Carla Sutton, c/o Law Office of Mark E. Merin, 1010 F Street, Suite 300, Sacramento, CA 95814, (916) 443-6911.
3. Defendant Jason Colbert, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
4. Defendant Ryan Brock, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
5. Defendant William Malloy, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
6. Defendant Cody Johnson, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
7. Defendant Brandon Geherty, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
8. Deputy Christian Molero, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
9. Deputy Jose Perez, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
10. Deputy Lomas, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
11. Deputy Basset, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
12. Deputy Leiva, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
13. Deputy Olmos, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
14. Deputy Ramirez, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,

1 Bakersfield, CA, 93301 (661)868-3820.

2 15. Deputy Rosso c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
3 CA, 93301 (661)868-3820.

4 16. Deputy Tampinco, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,
5 Bakersfield, CA, 93301 (661)868-3820.

6 17. Deputy Tinoco, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
7 CA, 93301 (661)868-3820.

8 18. Sgt. Coleman, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
9 CA, 93301 (661)868-3820.

10 19. Sgt. Newell, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
11 CA, 93301 (661)868-3820.

12 20. Deputy Lancaster, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,
13 Bakersfield, CA, 93301 (661)868-3820.

14 21. Detective Wong, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
15 CA, 93301 (661)868-3820.

16 22. Deputy Nelson, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
17 CA, 93301 (661)868-3820.

18 23. Deputy Sanchez, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
19 CA, 93301 (661)868-3820.

20 24. Deputy Chambless, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,
21 Bakersfield, CA, 93301 (661)868-3820.

22 25. Deputy Garcia, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
23 CA, 93301 (661)868-3820.

24 26. Deputy Maokosy, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,
25 Bakersfield, CA, 93301 (661)868-3820.

26 27. Lt. Abel Lombero, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,
27 Bakersfield, CA, 93301 (661)868-3820.

28 28. Sgt. Adrian Olmos, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,

- 1 Bakersfield, CA, 93301 (661)868-3820.
- 2 29. Sgt. Brandon Rutledge, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,
- 3 Bakersfield, CA, 93301 (661)868-3820.
- 4 30. Deputy Romo, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
- 5 CA, 93301 (661)868-3820.
- 6 31. Deputy Ott, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA,
- 7 93301 (661)868-3820.
- 8 32. Deputy Routh, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,
- 9 CA, 93301 (661)868-3820.
- 10 33. Deputy District Attorney Larry Fields, 1215 Truxtun Avenue, 4th Floor, Bakersfield, CA,
- 11 93301 (661) 868-2340
- 12 34. Medical staff identified in Kern Medical records who provided medical services to Willie
- 13 Roberts on December 15, 2020 at Kern Medical center, as well as Kern Medical staff who
- 14 provided medical services to Willie Roberts at Lerdo Jail thereafter.
- 15 35. Jennifer Arrington, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 16 36. Alexandra Dyer, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 17 37. Elizabeth Siacuno, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 18 38. Briana Rice, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 19 39. Dr. Joel Amezquita, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 20 40. Dr. Daniel Quesada, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 21 41. Dr. David Handman, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 22 42. Dr. Kendra Lawrence, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 23 43. Dr. Ramon Mansilungan, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 24 44. Dr. Sarah Gonzales, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.
- 25 45. Kern Medical custodian of records regarding billing, 1700 Mt. Vernon Ave., Bakersfield,
- 26 CA 93306.
- 27 46. Marcus Hackmon, Hall Ambulance. 10021 21st Street, Bakersfield, CA, 93301 (661) 334-
- 28 5419

- 1 47. Martell Rufus, Hall Ambulance. 10021 21st Street, Bakersfield, CA, 93301 (661) 334-
2 5419
- 3 48. Hall Ambulance custodian of records regarding billing, 10021 21st Street, Bakersfield,
4 CA, 93301 (661) 334-5419
- 5 49. Technical investigators identified in KCSO reports 2020-00172480 and 2020-00172739 as
6 to all photographs taken and evidence obtained with regard to each report, c/o Marshall S.
7 Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.
- 8 50. Craig Bailey (Witness identified in KCSO Report 2020-00172739), Transient Jitender
9 Mann (Witness identified in KCSO Report 2020-00172739), 737 Normandy Dr. B,
10 Bakersfield, CA 93306 (661) 308-7357
- 11 51. Leticia Moreno (Witness identified in KCSO Report 2020-00172739), 737 Normandy Dr.
12 B, Bakersfield, CA, 93306
- 13 52. Kaylee Trevino (Witness identified in KCSO Report 2020-00172739), 508 Pacific Street,
14 Bakersfield, CA 93305 (661) 421-5750
- 15 53. Marie Carrasco (Witness identified in KCSO Report 2020-00172739), 1717 Alta Vista
16 Drive, Bakersfield, CA 93305 (661) 369-9865
- 17 54. Marc Anthony Reyes (Witness identified in KCSO Report 2020-00172739), 2704
18 Security Avenue, Bakersfield, CA 93306 (661) 364-1271
- 19 55. Alice Ann Lopez (Witness identified in KCSO Report 2020-00172739), 401 Ming
20 Avenue, Bakersfield, CA 93307 (661)370-9834
- 21 56. Jessica Esmeralda Solorzano (Witness identified in KCSO Report 2020-00172739),
22 Transient (661) 717-9630
- 23 57. Alicia Diaz (Witness identified in KCSO Report 2020-00172739), 1208 Padre Street,
24 Bakersfield, CA 93307 (661) 364-7853
- 25 58. Michael De La Cueva (Witness identified in KCSO Report 2020-00172739), 2717 Trent
26 Street, Bakersfield, CA 93306 (661) 497-9033
- 27 59. Dominic Pena (Witness identified in KCSO Report 2020-00172739), 1036 Washington
28 Sq., Bakersfield, CA, (661) 373-4765

- 1 60. Christopher Villa (Witness identified in KCSO Report 2020-00172739), 2636 Victor Dr.,
2 Bakersfield, CA (661) 558-6110
- 3 61. Gregorio Daniel Gurrola (Witness identified in KCSO Report 2020-00172739), 22509
4 Buddy Drive, (661) 855-4131
- 5 62. Whitfield Lawrence (Witness identified in KCSO Report 2020-00172739), address
6 unknown, (661) 225-8542
- 7 63. Celicia Martinez (Witness identified in KCSO Report 2020-00172739), address unknown,
8 (661) 324-0808
- 9 64. Xavier Gonzalez (Witness identified in KCSO Report 2020-00172739),), address
10 unknown, (661) 979-1869
- 11 65. Francisco Joel Sandoval (Witness identified in KCSO Report 2020-00172739), 1812
12 Pacific Street, Bakersfield, CA 93305 (661) 390-2867
- 13 66. Clarence Chapman, National Justice Consultants, Inc., 1507 7th Street, Suite 350, Santa
14 Monica, CA, 90401 (310) 429-2940
- 15 67. Rocky Edwards, 160 W. Foothill Parkway #105-190, Corona, CA, 92282 (323) 216-1584
- 16 68. Heather Heider, Axiom Forensics, Inc., 13089 Peyton Avenue, Suite C434, Chino Hills,
17 CA, 91709 (909) 223-3348
- 18 69. Parris Ward, Biodynamics Engineering, Inc., P.O. Box 722, Pacific Palisades, CA, 90272
19 (310) 454-0924
- 20 70. Dr. Robert Schick, 2070 North Broadway # 5106, Walnut Creek, CA, 94596 (925) 388-
21 6360
- 22 71. Michael Kuzel, 3370 N. Hayden Road 123-683, Scottsdale, AZ, 85251 (480) 625-0782
- 23 72. Adam Stubbs, DeWalt Corporation, 1930 22nd Street, Bakersfield, CA, 93301 (661) 323-
24 4600
25

ATTACHMENT C: PLAINTIFFS' EXHIBIT LIST

1. County of Kern; Government Claim Rejection [COK-00001–COK-00002]
2. Kern County Sheriff's Office; Criminal Case Information [COK-00003]
3. Kern County Sheriff's Office; Reports [COK-00004–COK-00090]
4. Kern County Sheriff's Office; Field Complaint [COK-00091–COK-00093]
5. Kern County Sheriff's Office; Adverse Comment [COK-00094–COK-00119]
6. Kern County Sheriff's Office; Report [COK-00120–COK-00131]
7. Kern County Sheriff's Office; Report Photos [COK-00132–COK-00147]
8. Kern County Sheriff's Office; Report [COK-00148–COK-00234]
9. Kern County Sheriff's Office; Report Photos [COK-00235–COK-00284]
10. Kern County Sheriff's Office; Report Photos [COK-00285–COK-00319]
11. Kern Medical; Medical Records [COK-00320–COK-00405]
12. Kern County Sheriff's Office; Interviews (20 audio files)
13. Kern County Sheriff's Office; Body-Worn Camera Recordings (15 video files)
14. Kern County Sheriff's Office; Letter [COK-00406–COK-00407]
15. Kern County Sheriff's Office; Letter [COK-00408–COK-00409]
16. Kern County Sheriff's Office; Letter [COK-00410]
17. Kern County Sheriff's Office; Press Release [COK-00411]
18. Kern County Sheriff's Office; Press Release [COK-00412]
19. Kern County Sheriff's Office; Press Release [COK-00413]
20. Kern County Sheriff's Office; Geherty Personnel Files [COK-00414–COK-00655]
21. Kern County Sheriff's Office; Geherty Field Complaint [COK-00656–COK-00658]
22. Kern County Sheriff's Office; Geherty IA Investigation [COK-00659–COK-00866]
23. Kern County Sheriff's Office; Geherty Adverse Comment [COK-00879–COK-01077]
24. Kern County Sheriff's Office; Geherty Training Records [COK-01078–COK-01083]
25. Kern County Sheriff's Office; Reports & Photos Re: David Garcia [COK-01083–COK-01308]
26. Kern County Sheriff's Office; Reports & Photos Re: Madison Mahood [COK-01309–

- 1 COK-01539]
- 2 27. Kern County Sheriff's Office; Reports & Photos Re: Luis Macias [COK-01540–COK-
- 3 01715]
- 4 28. Kern County Sheriff's Office; Reports & Photos Re: Benjamin Ashley [COK-01716–
- 5 COK-03036]
- 6 29. Kern County Sheriff's Office; Reports & Photos Re: Joseph Johnson [COK-03037–COK-
- 7 03319]
- 8 30. Kern County Sheriff's Office; Reports & Photos Re: Stanley Severi [COK-03320–COK-
- 9 03471]
- 10 31. Kern County Sheriff's Office; Reports & Photos Re: John Wells [COK-03372–COK-
- 11 03628]
- 12 32. Kern County Sheriff's Office; Reports & Photos Re: Charles Moore [COK-03629–COK-
- 13 04047]
- 14 33. Kern County Sheriff's Office; Reports & Photos Re: Reginald Anderson [COK-04048–
- 15 COK-04352]
- 16 34. Kern County Sheriff's Office; Reports & Photos Re: Heiberto Rodriguez [COK-04353–
- 17 COK-04800]
- 18 35. Kern County Sheriff's Office; Reports & Photos Re: Israel Lucas [COK-04801–COK-
- 19 05230]
- 20 36. Kern County Sheriff's Office; Reports & Photos Re: Charles Walsh [COK-05232–COK-
- 21 05592]
- 22 37. Kern County Sheriff's Office; Reports & Photos Re: Javier Vidal [COK-05593–COK-
- 23 06211]
- 24 38. Kern County Sheriff's Office; Reports & Photos Re: Graciano Ceballos [COK-06212–
- 25 COK-06556]
- 26 39. Kern County Sheriff's Office; Reports, Photos, Audio & Video Re: Daniel Gomez [COK-
- 27 06557–COK-06774]
- 28 40. Kern County Sheriff's Office; Reports & Photos Re: Jacob Morales [COK-06775–COK-

- 1 06907]
- 2 41. Kern County Sheriff's Office; Reports Re: Cesar Ruiz [COK-06908–COK-07214]
- 3 42. Kern County Sheriff's Office; Reports Re: Mickel Lewis Jr. [COK-07215–COK-07303]
- 4 43. Kern County Sheriff's Office; Reports & Photos Re: Justin Esqueda [COK-07304–COK-
- 5 08194]
- 6 44. Kern County Sheriff's Office; Reports & Photos Re: Daniel Reyes [COK-08195–COK-
- 7 08636]
- 8 45. Kern County Sheriff's Office; Reports & Photos Re: Henry Rodriguez Jr. [COK-08637–
- 9 COK-08956]
- 10 46. Kern County Sheriff's Office; Reports & Photos Re: Willie Roberts [COK-08957–COK-
- 11 09119]
- 12 47. Kern County Sheriff's Office; Reports & Video Re: David Byrket [COK-09120–COK-
- 13 09130]
- 14 48. Kern County Sheriff's Office; Reports Re: Michael LeMon [COK-09131–COK-09202]
- 15 49. Kern County Sheriff's Office; Reports, Photos, Audio & Video Re: Israel Lucas [COK-
- 16 09203–COK-09683]
- 17 50. Kern County Sheriff's Office; Reports, Photos, Audio & Video Re: Emmanuel Ceballos
- 18 [COK-09684–COK-10443]
- 19 51. Kern County Sheriff's Office; Reports, Photos, Audio & Video Re: Mickel Lewis Jr.
- 20 [COK-10444–COK-10891]
- 21 52. Kern County Sheriff's Office; CJIS Records [COK-10892–COK-10949]
- 22 53. Hall Ambulance Records [COK-10950–COK-10967]
- 23 54. Kern County Sheriff's Office; Use of Force Policies [COK-10968–COK-10973]
- 24 55. Kern Medical Center; Diagnostic Imaging Records [COK-10974–COK-10988]
- 25 56. Kern County Sheriff's Office; Roberts Jail Booking Records [COK-10989–COK-11002]
- 26 57. Kern County Sheriff's Office; Sutton Consent Form [COK-11003]
- 27 58. Kern County Sheriff's Office; Geherty Employment Psych Evaluation [COK-11004]
- 28 59. Kern County Sheriff's Office; Reports & Photos Re: Michael LeMon [COK-11005–COK-

- 1 11414]
- 2 60. Kern County Sheriff's Office; Reports & Photos Re: David Byrket [COK-11415–COK-
- 3 11422]
- 4 61. County of Kern; Letter to DOJ [COK-11423–COK-11432]
- 5 62. Kern County Sheriff's Office; Reports Re: Michael LeMon [COK-11433–COK-11492]
- 6 63. Kern County Sheriff's Office; Reports & Photos Re: Christopher Strunc [COK-11493–
- 7 COK-11870]
- 8 64. Kern County Sheriff's Office; Reports & Photos Re: Deputy Gabriel Romo [COK-11871–
- 9 COK-12197]
- 10 65. Kern County Sheriff's Office; Reports & Photos Re: Stanley Severi [COK-12198–COK-
- 11 12350]
- 12 66. County of Kern; Settlement Agreement Re: Brian Caputo [COK-12351–COK-12355]
- 13 67. County of Kern; Settlement Agreement Re: David Garcia [COK-12356–COK-12366]
- 14 68. County of Kern; Settlement Agreement Re: Michael Jackson [COK-12367–COK-12374]
- 15 69. County of Kern; Settlement Agreement Re: Raul Ronquillo [COK-12375–COK-12380]
- 16 70. County of Kern; Settlement Agreement Re: Arturo Sanchez [COK-12381–COK-12387]
- 17 71. County of Kern; Settlement Agreement Re: Stanley Severi [COK-12388–COK-12394]
- 18 72. County of Kern; Records Retention Policy [COK-12395–COK-12410]
- 19 73. Kern County Sheriff's Office; Audio Re: Willie Roberts
- 20 74. Kern County Sheriff's Office; Video Re: Willie Roberts
- 21 75. Kern County Sheriff's Office; Policies & Training
- 22 76. Government Claim of William Roberts & Carla Sutton
- 23 77. Citizen Complaint of William Roberts & Carla Sutton, Notice of Receipt
- 24 78. Medical Records of Willie Roberts, including from:
 - 25 a. Kern Medical Center, 1700 Mt. Vernon Ave., Bakersfield, CA 93306
 - 26 b. Mansukh Ghadiya, M.D., 2201 Mt. Vernon Ave., Suite 211-A, Bakersfield, CA
 - 27 93306
 - 28 c. Mercy Hospital Downtown, 2215 Truxtun Ave., Bakersfield, CA 93301

- 1 d. Adventist Health Hanford, 115 Mall Dr., Hanford, CA 93230
- 2 e. Mercy Hospital Southwest, 400 Old River Rd., Bakersfield, CA 93311
- 3 f. Martin Luther King Jr. Community Hospital, 1680 E. 120th St., Los Angeles, CA
- 4 90059
- 5 g. Centinela Hospital Medical Center, 555 E. Hardy St., Inglewood, CA 90301
- 6 h. Central California Pain Management, 8303 Brimhall Rd. Bldg. 1500, Bakersfield,
- 7 CA 93312
- 8 79. Medical Records of Carla Sutton, including from:
 - 9 a. Mansukh Ghadiya, M.D., 2201 Mt. Vernon Ave., Suite 211-A, Bakersfield, CA
 - 10 93306
 - 11 b. InspireMe, Counseling and Wellness Center, 5300 California Ave., Bakersfield,
 - 12 CA 93309
- 13 80. Declaration of Jason Colbert, ECF No. 26-4 at 7–11
- 14 81. Declaration of Brandon Geherty, ECF No. 26-4 at 13–15
- 15 82. Declaration of Ryan Brock, ECF No. 26-4 at 20–22
- 16 83. Declaration of Cody Johnson, ECF No. 26-4 at 27–29
- 17 84. Declaration of William Malloy, ECF No. 26-4 at 31–32
- 18 85. DOJ Press Release; “Attorney General Kamala D. Harris Opens Investigations into the
- 19 Kern County Sheriff’s Office and the Bakersfield Police Department for Potential Civil
- 20 Rights Violations” (Dec. 22, 2016)
- 21 86. Complaint; People ex rel. Becerra v. County of Kern, No. BCV-20-102971 (Kern Cnty.
- 22 Super. Ct. Dec. 22, 2020)
- 23 87. DOJ Press Release; “Attorney General Becerra Announces Major Settlement to Reform
- 24 Wide Range of Practices at the Kern County Sheriff’s Office” (Dec. 22, 2020)
- 25 88. Stipulated Judgment; People ex rel. Becerra v. County of Kern, No. BCV-20-102971
- 26 (Kern Cnty. Super. Ct. Dec. 22, 2020)
- 27 89. ACLU Press Release; “ACLU Releases Report on Excessive Force Used by Kern County
- 28 and Bakersfield Law Enforcement Agencies” (Nov. 9, 2017)

- 1 90. ACLU Report; “Patterns & Practices of Police Excessive Force in Kern County” (Nov. 9,
2 2017)
3

ATTACHMENT D: DEFENDANTS' EXHIBIT LIST

1. Kern County Sheriff's Report 2020-00172480, regarding the execution of a search warrant at the illegal gambling casino located at 2407 E. California Avenue on December 14 through December 15, 2020.
2. All photographs, videos, body worn camera video and audio interviews associated with Kern County Sheriff's Report 2020-00172480, regarding the execution of a search warrant at the illegal gambling casino located at 2407 E. California Avenue on December 14 through December 15, 2020.
3. All evidence obtained regarding Kern County Sheriff's Report 2020-00172480, regarding the execution of a search warrant at the illegal gambling casino located at 2407 E. California Avenue on December 14 through December 15, 2020.
4. Kern County Sheriff's Report 2020-00172739, regarding the officer involved shooting during the execution of a search warrant at the illegal gambling casino located at 2407 E. California Avenue on December 15, 2020.
5. All photographs, videos, body worn camera video and audio interviews associated with Kern County Sheriff's Report 2020-00172739, regarding the officer involved shooting during the execution of a search warrant at the illegal gambling casino located at 2407 E. California Avenue on December 15, 2020.
6. All evidence obtained regarding Kern County Sheriff's Report, 2020-00172739 regarding the officer involved shooting during the execution of a search warrant at the illegal gambling casino located at 2407 E. California Avenue on December 15, 2020, including the BB/airsoft gun used by Willie Roberts, the clothing worn by Willie Roberts, the bag of marijuana found on Willie Roberts.
7. All records obtained by subpoena from Hall Ambulance and Kern Medical Center including x rays, test results.
8. Deposition transcript of Carla Sutton, including video taped deposition and exhibits.
9. Deposition transcript of Willie Roberts, including video taped deposition and exhibits.
10. Search warrant for illegal gambling casino located at 2407 E. California Avenue.

- 1 11. Cell phone of Carla Sutton and Willie Roberts seized during the subject incident and
2 results of extraction of data from said phones.
- 3 12. Certified copy of court docket of Willie Roberts' criminal case in the Kern County
4 Superior Court regarding the subject incident, and his plea of no contest to felony PC 69.
- 5 13. Kern County policies and training materials produced in discovery.
- 6 14. Report of expert Clarence Chapman and exhibits.
- 7 15. Report of experts Rocky Edwards and Heather Heider, and exhibits.
- 8 16. Report of expert Parris Ward, and exhibits including laser scan of site of incident.
- 9 17. Report of expert Dr. Robert Schick and exhibits.
- 10 18. Report of expert Michael Kuzel and exhibits.
- 11 19. 3D Lidar scan created by expert Adam Stubbs, DeWalt Corporation.